

# State of Connecticut

GENERAL ASSEMBLY



## PERMANENT COMMISSION ON THE STATUS OF WOMEN

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**Testimony of  
Cindy R. Slane, Esq.  
Vice Chairperson  
Permanent Commission on the Status of Women  
Before the  
Judiciary Committee  
February 7, 2005**

**Re: R.B. 963, An Act Concerning Marriage Equality  
R.B. 6601, An Act Concerning Marriage Recognition**

Good afternoon, Senator McDonald, Representative Lawlor, and other members of the Judiciary Committee. My name is Cindy Slane. I am an appointed member of Connecticut's Permanent Commission on the Status of Women; I am also an assistant clinical professor of law at Quinnipiac University School of Law. I currently serve as vice chair of the PCSW, and as Chair of its Legislative Committee. Thank you for this opportunity to testify on behalf of the Commission, and to reaffirm the Commission's support for extending equal legal rights and responsibilities to same-gender partners through civil marriage.

I appear before you, too, as an obvious proponent of marriage: my husband and I have been married for over thirty-five years, and have three grown children, a (wonderful) son-in-law, and a granddaughter who will cheerfully tell anyone who asks that she will be "three in June." I am also a firm believer in equal rights under law, and so I am proud to be PCSW's spokesperson here today.

Some may ask why PCSW is taking a stand in the debate over same-gender marriage. In fact, we at PCSW regularly consider whether particular issues are "women's issues" as we assess whether proposed positions or activities fall within the scope of our statutory mandate. Our determination on that score depends on an affirmative answer to one or more of the following questions:

1. Does the issue disproportionately affect women (e.g., domestic violence and access to reproductive health care services)?
2. Do women seem to care more broadly – or more deeply – about the issue than do men (e.g., gun control)? Or, finally,
3. Does the issue involve policies or practices that grant or withhold benefits to individuals based on gender, or that are grounded in and reinforce stereotyped notions of gender roles – what women and girls (and conversely, what men and boys) “should” or “shouldn’t” do, solely by virtue of the fact that they are women and girls, or men and boys?

In our view, same-gender marriage, and more generally, all issues related to full equality and respect for gay, lesbian, and bisexual individuals, fall squarely into this third category. Connecticut’s current marriage policy, which affords access to the rights and responsibilities associated with marriage only to individuals in opposite-gender couples, denies those benefits to many other individuals *solely* on the basis of the gender of the partners they wish to marry, and is grounded in and reinforces stereotyped notions of the roles men and women should play in their intimate associations.

As the United States Supreme Court acknowledged in 1965, in declaring unconstitutional a state statute that prohibited interracial marriage, the freedom of choice to marry is a fundamental *civil* right, a right that has “long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free [people].” Loving v. Virginia, 388 U.S. 1, 12 (1967). PCSW agrees, and urges this Committee, the other members of the General Assembly, and our Governor to extend this fundamental civil right to all Connecticut citizens, regardless of sexual orientation.

It is important to note that the bills under consideration today, both the marriage equality bill, which would extend access to all of the rights and responsibilities associated with *civil* marriage to same-gender couples, and the marriage recognition bill, which would provide express recognition to same-gender marriages and civil unions solemnized in our sister states, would have no legal force with respect to *religious* marriage in Connecticut. Under both bills, faith-based communities remain free to offer religious marriage to, or withhold religious marriage from, same-gender couples, as their religious beliefs dictate.

Even so, opponents of this bill, with arguments frequently grounded in theology, contend that the long history of marriage as between one woman and one man compels the conclusion that *civil* marriage was meant to be, and therefore must remain, an exclusively heterosexual institution. We respectfully disagree.

As an initial matter, we should remember that, even though the institution of marriage does have a long history, the rules governing civil marriage in our state have never been etched in stone – and thankfully so. Rather, they have evolved over time, in the direction of broader access, greater equality, and more respect for the privacy and individual choice essential to liberty. Under Connecticut law, married women are no longer deemed the property of their husbands, nor denied the right to own property or bring suit in their own names. People of all races can marry, and men and women can marry across racial lines. Alimony is available to both men and women, and joint

custody of children after divorce is no longer an anomaly. Each of those changes was controversial in its time, but each was required to correct an injustice.

However, even if the form of marriage codified in Connecticut today *had* been in place since the beginning of time, that fact would not necessarily lead to the conclusion that the perpetuation of marriage in its historical form works no constitutional injustice. That argument is no more persuasive with respect to same-gender marriage than were similar assertions by those opposed to equal treatment under law for women and people of color, who likewise could cite to long “traditions” in support of their views. There, as here, traditions of injustice were the sorts of traditions that no society committed to liberty and equality under law could uphold.

Like the legal changes that recognized property rights in married women, custody and alimony rights in divorcing fathers and husbands, and the right of individuals to choose marriage partners across racial lines, the changes you are considering today are necessary to correct an injustice. Connecticut law now denies lesbian, gay, and bi-sexual people the freedom to participate in one of our most important civil institutions – and the right to claim the benefits and undertake the responsibilities that come with that participation – solely on the basis of the gender of the partners to whom they wish to commit their lives.

Notwithstanding the dire predictions of opponents of equal marriage rights, the changes you are considering today will not weaken marriage. Rather, they will *strengthen* marriage, by affirming its importance as an institution for establishing and protecting families – an institution based on individual choice and consent, and giving rise to an extensive set of mutual rights and obligations. Moreover, unlike proposed alternatives, such as shunting same-gender couples into “marriage-like” domestic partnerships or civil unions, allowing same-gender couples to marry will *not* consign to second-class citizenship people who, under both our state and federal constitutions, are entitled to equal treatment under law.

I am quite sure that every heterosexual person in this room today, whether he or she knows it or not, has, in his or her circle of friends, family members, neighbors, and co-workers, many people who are gay or lesbian or bi-sexual. Perhaps Randy Shilts and the advocates he credited in his 1987 book about America’s response to the AIDS crisis were right. Perhaps the best thing that could happen to advance gay, lesbian, and bisexual equality would be if all gays and lesbians and bisexuals suddenly were to turn purple, because then all of us in the “straight” world would realize how many of the people that we love, respect, admire, and depend upon are *not* heterosexual.

My own world includes many such people – ethical, generous, creative, accomplished, and compassionate individuals who are also gay or lesbian or bisexual: family friends whom I’ve known since they were toddlers; classmates and colleagues whose wisdom and support I value beyond measure; young adults who are just coming to terms with their sexual orientation; and students who have taught me far more than I ever could teach them. It pains me, personally, to think that solely because of the gender of the people they have chosen as intimate partners, the gay and lesbian and bisexual people I know and care about – people who are our family members, our teachers, our doctors, our lawyers, our letter carriers, our protectors and defenders, our friends and boosters,

people who want the same things that all of us want in life – cannot take part in an institution that not only confers so many important rights and obligations upon its participants, but also embraces and advances so many of the important values we share.

Connecticut has always been in the forefront of efforts to eliminate discrimination based on gender and sexual orientation. Our adoption statutes permit homosexual individuals and same-sex partners of biological parents to adopt; our anti-discrimination statutes forbid discrimination on the basis of gender or sexual orientation in housing, employment, education, public accommodations, credit practices, licensing, even golf club membership. We hope that the members of this Committee, your colleagues in the General Assembly, and our Governor will act in this session to eliminate discrimination based on gender and sexual orientation in marriage, as well.

